

**MINUTES OF THE
CITY PLANNING COMMISSION
MAY 19, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:07 a.m.

Commission Members:

Present: Caleb Faux, Donald Mooney, James Tarbell, Jacqueline McCray, David Rager, and Rainer vom Hofe

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Rodney Ringer, and Katherine Keough-Jurs.

Law Department:

Julia Carney

COMMISSION BUSINESS

Mr. Rainer vom Hofe was welcomed and sworn in as a City Planning Commission member. Mr. vom Hofe was recommended for appointment by Mayor Mark Mallory. The Cincinnati City Council unanimously confirmed the appointment on May 16, 2006. Mr. vom Hofe will fill the vacant post created by the resignation of Curt Paddock. He will complete Mr. Paddock's term, which will expire on 12/31/09.

Mr. Faux noted that at the next meeting on June 2, 2006, Terry Hankner will be honored for her 18 years of service as a member of the City Planning Commission.

APPROVAL OF MINUTES

Submission of the minutes from the May 5, 2006 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of minutes.
Second:	Mr. Mooney
Ayes:	Mr. Faux, Mr. Mooney, Mr. Tarbell, Ms. McCray, Mr. Rager and Mr. vom Hofe
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on authorizing the grant of a permanent easement within the right-of-way of Kings Run Drive south of Sun Avenue to Sun Chemical Corporation.

DISCUSSION

Motion: Ms. McCray moved approval of Consent Item #1.
Second: Mr. Mooney
Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell, Ms. McCray, Mr. Rager and Mr. vom Hofe
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #2 A report and recommendation on a proposed zone change at 3346 River Road from the existing Residential Mix (RMX) District to a Manufacturing Limited (ML) District use in the neighborhood of Riverside.

Mr. Steve Briggs, Senior Planner, presented this item.

GENERAL INFORMATION:

Current Owner and Petitioner: Greg Carl Franco
5180 Foley Road
Cincinnati, Ohio 45238

Request: A rezoning of the property at 3346 River Road (HCAP, Bk. 156, Pg. 57, Par. 46) from the existing Residential Mix (RMX) District to a Manufacturing Limited (ML) District is to allow the property to be used as a small woodworking shop.

Staff Conference: The Department of Community Development and Planning staff held a conference on this request on Thursday April 20, 2006.

Findings: The property at 3346 River Road contains a vacant commercial structure that at one time was an auto dealership. The property is .198 acres (8,627.02 square feet) in size and was previously zoned General Business (B-4) prior to 2004 before being rezoned RMX. The owner intends to renovate the property and operate a woodworking shop.

The surrounding land uses are primary single-family owner occupied properties. On the north side along Hillside Avenue and opposite the subject property is a multi-family apartment building. These properties are zoned RMX. On the south side of River Road is

the former Conrail property. This property has a zone designation of ML along the River Road frontage and is otherwise zoned Manufacturing General (MG).

Community Response:

- The Riverside Civic and Welfare Club is the community council for the Riverside neighborhood and supports the zone change. The community supports the zone change because:
 1. An eyesore property in a visible location will be renovated,
 2. The nature of the shop is unique in the region,
 3. The use will be an asset to the community and
 4. The property is small; the possibility of it being reused for manufacturing/industrial use of significance is remote.

Plans:

- Riverside Strategic Community Plan dated, March 1, 2002, states in its Goals and Objectives (page 10), improve physical image and marketability by decreasing neglected properties and attract responsible, market-driven, consumer-based neighborhood oriented development.

Zoning Code Review: The proposed Manufacturing Limited (ML) District would permit a custom woodworking business. The Zoning Code classifies a woodworking business as Production Industry Artisan use that is defined in Section 1401-01-P18 (a) as: *An establishment primarily engaged in on-site production of goods by hand manufacturing, involving the use of tools and small-scale equipment.*

It should be noted that the proposed ML zone would also permit a variety of land uses as listed in Schedule 1413-05 of the Cincinnati Zoning Code. Uses permitted may include but are not limited to; financial institutions, food markets, vehicle sales and rental, parking facilities, eating and drinking establishments, garden supply and offices. These uses are mostly associated with larger parcels of land and other similar businesses.

CONCLUSIONS:

1. The proposed use of the property would allow for the renovation and reuse of a vacant commercially designed building in a highly visible location in compliance with the Riverside Strategic Community Plan.
2. The property is small in size and its reuse by a high impact manufacturing limited activity is remote.
3. The Riverside Civic and Welfare Club is in support of the proposed change in zoning.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

“Approve a change in zoning at 3346 River Road from Residential Mix (RMX) District to Manufacturing Limited (ML).”

DISCUSSION

Steve Briggs, Senior Planner gave an overview of the proposed zone change.

Mr. Mooney asked if this was a “spot zoning” situation.

Mr. Briggs stated that the property across River Road (former Conrail site) is zoned ML. The ML zone could be expanded to include the 3346 River Road property.

Ms. McCray asked if there were any screening requirements.

Mr. Briggs stated that if the zoning change was approved, due to the proximity to the RMX zone, the owner would be required to have a public hearing before the Hearing Examiner to have the buffer yard set-backs relaxed.

Mr. Greg Franco, current owner and petitioner, gave a brief history of his education and business qualifications. He described the current dilapidated state of the building and his plans to renovate and improve the property.

Mr. Mooney stated that Mr. Franco’s business would be an asset to the community.

Motion:	Mr. Mooney moved approval of the staff recommendations.
Second:	Ms. McCray
Ayes:	Mr. Faux, Mr. Mooney, Mr. Tarbell, Ms. McCray, Mr. Rager and Mr. vom Hofe
Nays:	None, motion carried

ITEM #3 A report and recommendation on a petition to dissolve the Hamilton County Regional Planning Commission (HCRPC) and transfer all HCRPC functions and duties to a new County planning commission.

BACKGROUND:

Community planning structure and practice has changed dramatically since HCRPC’s establishment 77 years ago when it was one of a few planning organizations in the county. Today, in addition to HCRPC there are 37 municipal planning commissions and planning and zoning boards in most of the 12 townships. Hamilton County’s planning structure must be reinvented to better respond to the current and future needs of the County.

The Hamilton County Commissioners support converting the planning commission from a regional form to a county form. Some of the reasons provided for converting to the county planning commission form are as followings:

1. The proposed county planning commission structure is a better fit for the current funding of the planning commission. In 2005, the Board of County Commissioners provided 94% of HCRPC funding. When the regional planning commission was initially established, local governments equally contributed to the commission’s appropriations.
2. The proposed county planning commission structure eliminates current inequities

- in local fees and services. HCRPC's services are provided to each of Hamilton County's 49 local governments even though annual fees for local governments to be members are voluntary. In 2005, 55% of the 49 jurisdictions elected not to pay the annual fee.
3. Implementation of Hamilton County's 2030 Plan requires greater alignment of Board of County Commissioners (BOCC) goals, planning initiatives and other county department work programs. The proposed county planning commission structure facilitates this desired alignment and collaboration since the planning department will report directly to the County Administrator, just like other county departments.
 4. Eliminating state audits will result in biannual savings of at least \$14,000 in addition to annual savings related to the staff time required for audit preparation.
 5. Greater productivity of planning staff will be possible by eliminating the need for time spent annually on administrative tasks related to coordinating membership, recruitment, marketing, fee schedules, invoices, and collection necessary to sustain regional planning commission membership.
 6. Planning Partnership, the long range planning committee, will be structured as a more inclusive action oriented alliance of all planning commissions.
 7. The proposed county planning commission structures enables greater potential for future consideration of a joint city/county planning commission to address the interconnected problems and opportunities of our urban core and urban county.
 8. The three County Commissioners or their appointed alternatives will serve on the County Planning Commission thereby increasing their awareness of, and participation in, planning commission initiatives.

The Ohio Revised Code §713.22 provides that a board of county commissioners or a county may, and on petition of the planning commissions of a majority of the municipal corporations in the county having those planning commissions shall, provide for the organization and maintenance of a county planning commission.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

Approve the attached Resolution to petition the Hamilton County Board of County Commissioners to organize and maintain a county planning commission;

Approve the transfer of all functions, powers and duties of the Hamilton County Regional Planning Commission to the Hamilton County Planning Commission on the effective date of establishment of the Hamilton County Planning Commission;

Approve the dissolution of the Hamilton County Regional Planning Commission on the effective date of the Hamilton County Planning Commission.

DISCUSSION

Mr. Ron Miller, Executive Director of the Hamilton County Regional Planning Commission (RPC), asked the Commission members if they had any questions regarding the proposed dissolution of the Hamilton County RPC and the creation of a new county planning commission.

Mr. Mooney asked if a county planning commission would be responsible for zoning. Mr. Miller stated that the county planning commission would not be responsible for zoning issues. He explained that the county planning and zoning departments are combined. However, there is presently both a planning and a zoning commission. He said the combined departments and two commissions would remain.

Mr. Mooney asked if the county zoning department was responsible for zoning issues only in the unincorporated areas of the county that were not part of a township.

Mr. Miller said that the county zoning commission handles zoning issues in the unincorporated areas and additionally reviews zoning for four of the twelve townships. The RPC is required to review zoning in all twelve townships.

Mr. Mooney asked for an explanation of the responsibilities of the proposed new County Planning Commission.

Mr. Miller stated that the proposed new County Planning Commission would, by law, have the same responsibilities as the RPC. Mr. Miller gave an overview of the rationale for the formation of a County Planning Commission. He stated that the current RPC has two fundamental problems. First, of the forty nine jurisdiction members, there is only a collaboration of twenty members. Second, the voluntary annual member fee is only being paid by twenty of forty nine members. The members that do not pay the fee continue to receive the same services.

Mr. Rager asked who requested the conversion of the RPC to a County Planning Commission?

Mr. Miller stated that last year, upon reviewing the annual RPC budget, the County Commissioners suggested this change. The new County Administrator reviewed the county structure and suggested that the RPC become a county department.

Mr. Mooney asked about the selection of members if the new planning commission was formed.

Mr. Miller stated that the eleven members would be comprised of three county commissioners or their alternates; six representatives who are residents of the county and are appointed by the county commissioners; one representative from the home rule government township; and one representative residing in Cincinnati (from nominations by Cincinnati City Council). The City's nomination would be approved or denied by the county commissioners. The seven members that are current members of the RPC could and would most likely remain members. He stated that the Planning Partnership, a committee focused on countywide long range comprehensive planning, would need to be recreated as well.

Mr. Miller explained that the RPC passed a resolution that initiated the action to enable the municipalities to consider the action.

Mr. Rager asked what the outcome would be if the resolution is not approved by a majority of the municipalities.

Mr. Miller stated that the law states that the county commissioners may create a county planning commission by a two to one vote. So, after the July 31st deadline the commissioners may choose to do this. The authority to dissolve the current RPC lies with the twenty members and there is a separate resolution addressing this aspect.

Mr. Mooney stated that he would like to have additional time to review the documentation.

Motion: Mr. Mooney moved to table Item #3 for future consideration.
Second: Mr. Tarbell
Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell, Ms. McCray, Mr. Rager and Mr. vom Hofe
Nays: None, **motion carried**

ADJOURN

Motion: Mr. Mooney motioned to adjourn.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell, Ms. McCray, Mr. Rager and Mr. vom Hofe
Nays: None, motion carried

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____